

From: (b) (6). EOP/OMB
Sent: Thursday, February 16, 2017 7:15:49 PM
To: (b) (6)
Cc: MCALEENAN, KEVIN K; (b) (6). EOP/OMB; (b) (6)
Subject: Re: Wall Funding

Thanks Kevin. Since you all are still working up the numbers, I think it will work best to chat at the end of the day.

For our meeting with the Director we'll make clear that we will be coordinating with you and DHS as the way forward develops.

(b) (6)
Office of Management and Budget
(b) (6)

> On Feb 16, 2017, at 6:46 PM, (b) (6). EOP/OMB
<(b) (6)@omb.eop.gov<(b) (6)@omb.eop.gov>> wrote:
>
> Thanks Kevin and team. Let me sync up with (b) (6) and (b) (6) and double check precisely what is needed for tomorrow's meeting.

>
> -----Original Message-----
> From: MCALEENAN, KEVIN K [mailto:(b) (6)]
> Sent: Thursday, February 16, 2017 6:36 PM
> To: (b) (6). EOP/OMB
(b) (6)@omb.eop.gov<(b) (6)@omb.eop.gov>; (b) (6)
EOP/OMB (b) (6)@omb.eop.gov<(b) (6)@omb.eop.gov>;
> Cc: (b) (6). EOP/OMB
(b) (6)@omb.eop.gov (b) (6)@omb.eop.gov>; (b) (6)

> Subject: RE: Wall Funding

>
> Adding C2; CFO; OFAM leads.
>
> (b) (6)
> We are working quickly to come up with revised FY17 and FY18 costs based on the President's guidance. I can make the team available to discuss at 1000 tomorrow, but please understand that their initial estimates aren't even due to us until the end of the day, so they would be essentially giving guesstimates or ranges at this point. I know you need to have something for the meeting with the Director, though, so we want to support. I was told that (b) (6) and (b) (6) spoke today and (b) (6) conveyed the need for time. Thanks,

>
> KM
>
> -----Original Message-----
> From: (b) (6). EOP/OMB (b) (6)@omb.eop.gov
> Sent: Thursday, February 16, 2017 6:27 PM
> To: (b) (6). EOP/OMB (b) (6)@omb.eop.gov (b) (6)@omb.eop.gov>;
MCALEENAN, KEVIN K
(b) (6) <mailto:(b) (6)>>
> Cc: (b) (6). EOP/OMB
<(b) (6)@omb.eop.gov (b) (6)@omb.eop.gov>; (b) (6)

(b) (6)

> Subject: RE: Wall Funding

>

> Following up on this -- any chance we can speak or meet tomorrow morning? As (b) (6) mentioned, we are meeting with the Director tomorrow mid-day. Having updated specs, even if notional, would be very helpful.

>

> Thanks,

>

> (b) (6)

>

> -----Original Message-----

> From: (b) (6) EOP/OMB

> Sent: Wednesday, February 15, 2017 7:26 PM

> To: MCALEENAN, KEVIN K

<(b) (6) <[mailto:\(b\) \(6\)@omb.eop.gov](mailto:(b) (6)@omb.eop.gov)>>

> Cc: (b) (6) EOP/OMB

<(b) (6) @omb.eop.gov <(b) (6) @omb.eop.gov>>; (b) (6) EOP/OMB

<(b) (6) @omb.eop.gov <(b) (6) @omb.eop.gov>>

> Subject: RE: Wall Funding

>

> Thanks Kevin. Sounds good, just let us know the schedule.

>

> We'll hold time for late tomorrow afternoon; Friday morning will be more difficult since we expect to meet with our newly-sworn in Director, however before 10 may be possible.

>

> Thanks,

> (b) (6)

> Office of Management and Budget

> (b) (6)

>

>

> -----Original Message-----

> From: MCALEENAN, KEVIN K [[mailto:\(b\) \(6\)@omb.eop.gov](mailto:(b) (6)@omb.eop.gov)]

> Sent: Wednesday, February 15, 2017 7:12 PM

> To: (b) (6) EOP/OMB <(b) (6) @omb.eop.gov>; (b) (6) @omb.eop.gov>; (b) (6)

<(b) (6) EOP/OMB <(b) (6) @omb.eop.gov>>

> Cc: (b) (6) EOP/OMB

<(b) (6) @omb.eop.gov <(b) (6) @omb.eop.gov>>; (b) (6) EOP/OMB

<(b) (6) @omb.eop.gov <(b) (6) @omb.eop.gov>>

> Subject: RE: Wall Funding

>

> Thank you. (b) (6) we have a meeting tomorrow with the Acting Deputy and I should have clarity on our path forward coming out of that. Perhaps we can meet late tomorrow or early Friday. Thanks, KM

>

>

>

>

> From: (b) (6) EOP/OMB

> Sent: Wednesday, February 15, 2017 6:21:39 PM

> To: (b) (6) EOP/OMB; MCALEENAN, KEVIN K

> Cc: (b) (6) EOP/OMB; (b) (6)

> Subject: RE: Wall Funding

>

>

> Thanks (b) (6)

>
> Kevin, we're standing by for whatever makes most sense for next steps. (b) (6) and I are happy to come to you in the next few days to discuss CBP work to date, if that is convenient.
>
> Thanks,
> (b) (6)
> Office of Management and Budget
> (b) (6)
>
>
> -----Original Message-----
> From: (b) (6). EOP/OMB
> Sent: Wednesday, February 15, 2017 6:17 PM
> To: (b) (6) <mailto:(b) (6)>
> Cc: (b) (6) EOP/OMB
> (b) (6) @omb.eop.gov<mailto:(b) (6)@omb.eop.gov>; (b) (6) EOP/OMB
> (b) (6) @omb.eop.gov<mailto:(b) (6)@omb.eop.gov>
> Subject: Wall Funding
>
> Kevin-
>
> Great meeting you today and appreciate your briefing. I wanted to start the process of getting your specifications on the wall so that we can continue to make budget decisions. I want to connect you with (b) (6) and (b) (6) on our team. Can you all connect? Thanks,
>
> (b) (6)
>
>
>

From: [DHS-OIG Office of Public Affairs](#)
To: [Nielsen, Kirstjen](#); (b) (6); [MCALEENAN, KEVIN K](#); (b) (6)
[SHERRILL, LYNN](#); [RICHARDSON, LYNN](#); [GAO-OIG Liaison](#); [Gottfried, Jordan](#); [Maher, Joseph](#); [Shuchart, Scott](#); [Media Inquiry](#)
Cc: (b) (6); [OIG's DHS Liaison](#); [DHS-OIG Office of Public Affairs](#); [DHS-OIG Office of Legislative Affairs](#);
(b) (6)
Subject: OIG-17-70-SR "Lessons Learned from Prior Reports on CBP's SBI and Acquisitions Related to Securing our Border "
Date: Monday, June 12, 2017 4:30:20 PM
Attachments: [OIG-17-70-SR.pdf](#)

Good Afternoon,

Attached is the final report, OIG-17-70-SR, "**Lessons Learned from Prior Reports on CBP's SBI and Acquisitions Related to Securing our Border.**"

***This is an advance copy that has not been made public by DHS OIG. Please do not distribute without OIG authorization.** The projected date for delivery to **Congress is June 13, 2017**. The projected date for **Web posting is June 14, 2017**. Actual dates may differ please contact OIG to confirm.

Thank you,

Office of Public Affairs
Office of Inspector General
Department of Homeland Security
Phone: (b) (6)
www.oig.dhs.gov | Twitter: @DHSOIG

From: [MCALEENAN, KEVIN K](#)
To: [Nielsen, Kirstjen](#); (b) (6)
Subject: FW: Border Wall Update (19-23 Jun)
Date: Sunday, June 25, 2017 11:26:27 PM

Kirstjen (b) (6),

Wanted to send a few more details on the Bordet wall update.

KM

From: (b) (6)
Sent: Sunday, June 25, 2017 10:46:41 PM
To: MCALEENAN, KEVIN K; (b) (6)
Cc: (b) (6)

Subject: Border Wall Update (19-23 Jun)

Commissioner/Deputy,

Bottom Line: Prototype procurement continues to progress, with the second evaluation phase underway. (b) (5)

Prototype Procurement:

- Phase II:
 - o Proposal review began June 14 and continues to progress.
 - Vendor oral presentations continue. The last presentation is currently scheduled for Thursday, June 29.
 - The Pricing and Evaluation Team delivered their draft report on pricing analysis today.

- (b) (5)

FY17 Program Execution:

- CBP awarded an architectural/engineering contract June 14 for 35% design of the (b) (7)(E) of replacement wall to be constructed in San Diego, El Centro and El Paso Sectors. The 35% design will feed four design-build Requests for Proposals.

- o (b) (5)

- (b) (5)
- (b) (5)

Acquisition Planning:

- The Army Corps of Engineers continues to progress in the development of acquisition vehicles to allow for the execution of the FY 2017, 2018 and beyond replacement and new wall requirements.
 - Approximately 20 questions have been received from parties interested in the Pre-qualified Bidder's list. The Army Corps, in collaboration with CBP, is developing answers to post to FedBizOps.
 - The Pre-qualified Bidder's list, the first large-scale vehicle to be used for replacement and new wall construction, remains on schedule for availability by late July 2017.

Legal Challenges:

- (b) (5)

Partnering & Outreach:

- Border Patrol & Enterprise Services finalized the border wall requirements analysis & investment strategy.
 - On Wednesday, June 21, Border Patrol & Enterprise Services briefed the DHS Under Secretary for Management, Chief Financial Officer and representatives from Program Analysis & Evaluation. USM Fulghum suggested (b) (5).
 - On Friday, June 23, Border Patrol & Enterprise Services briefed OMB General Government Practice Deputy (b) (6), Homeland Security Branch Chief (b) (6) and CBP Examiner (b) (6). The tone was positive and overall OMB was supportive of the tool and its use to further explain our requirements and prioritization with the Appropriations Committees.
- OPA continues working with DHS OPA and other partners to conduct a series of events to bring the public, via the media, up to date on the progress being made on the Wall.
 - (b) (5)

(b) (5)

(b) (5)

- OPA continues to coordinate with DHS OPA, U.S. Border Patrol and the Offices of Congressional Affairs, Acquisition and Facilities and Asset Management to develop two additional events, detailed below. The interdisciplinary team will work with OPA to ensure these events ensure transparency without disrupting operations or construction.

(b) (5)

- Congressional Engagement:
 - o On Monday, June 19, USBP briefed the Roadmap and CGAP processes to HAC and SAC staff as a follow on to the June 15 series of briefings. The process discussion was very helpful to help staff understand the analysis underway that incorporates risk and threat considerations.
 - o On Wednesday, June 21, Deputy Commissioner (b) (6) briefed Congressman Mark Amodei (R/NV-2nd) on the design and build process for the wall. The Congressman was interested in having a practical discussion on the process and was provided all relevant information. There were no get-backs.

(b) (5)

VR, (b) (6)

(b) (6)

Executive Assistant Commissioner
Enterprise Services
U.S. Customs and Border Protection
Office (b) (6)
Cell (b) (6)

From: [S2ECD](#)
To: [MCALEENAN, KEVIN K](#)
Subject: RE: Border Wall Update (24-28 Jul)
Date: Sunday, July 30, 2017 10:15:25 PM

Thank you, very informative. If you preparing this regularly I'd love to get a copy. Elaine

Elaine C. Duke
Deputy Secretary
Department of Homeland Security
(b) (6)

From: MCALEENAN, KEVIN K
Sent: Sunday, July 30, 2017 8:37:27 PM
To: S2ECD; Wolf, Chad; Fulghum, Chip; Hamilton, Gene
Cc: (b) (6)
Subject: FW: Border Wall Update (24-28 Jul)

Madam Secretary,

A significant amount of detail on the wall progress below. We can provide to you and/or Acting Deputy Secretary Fulghum and staff on a weekly basis at your preference. Thank you,

KM

From: (b) (6)
Sent: Sunday, July 30, 2017 8:19:31 PM
To: MCALEENAN, KEVIN K; (b) (6)
Cc: (b) (6)
Subject: Border Wall Update (24-28 Jul)

Commissioner/Deputy:

Bottom Line: The waiver for the San Diego border wall prototype and 14 miles of replacement wall was signed by the Secretary on 26 July (see attached) and is expected to publish in the Federal Register on Tuesday, 1 Aug. CBP filed its agency response to the (b)(3) protest on 26 July.

Prototype Procurement:

Phase I:

- As a result of Procurement's internal compliance review, the four evaluated proposals that ranked low were sent unsuccessful offeror letters. Only one of these four vendors requested a debriefing. The fifth vendor that was evaluated

and invited into Phase II confirmed their intent to participate. Their proposal is due no later than August 17, 2017.

- Notifications regarding the RFP protests were sent to appropriators on 26 Jul and to authorizers on 27 Jul.

Phase II:

-

(b) (5)

Acquisition Planning:

-

(b) (5)

- The Army Corps continues to make progress in developing the Pre-qualified Bidder's List. Source selection began on time on Wednesday, July 12th and is now complete. USACE remains on track for mid-August availability.

Legal Concerns:

GAO Protests

- (b)(3) Protests: In a decision dated July 20, the GAO granted CBP's requests for summary dismissal of both of the protests filed by (b)(3) (b) (5)

(b)(3) Protests: (b) (5)

- (b)(3) Protests: (b) (5)

(b)(3) has until Monday, August 7, to file its response to the Agency Report.

Waiver

- On July 26, the Secretary signed the San Diego waiver. DHS OGC submitted the waiver to the Federal Register on July 28. The Federal Register will post the waiver on its website on Tuesday, August 1 at 8:45 am and will publish the waiver in the hard copy publication on Wednesday, August 2. The waiver will be legally effective upon publication. The waiver includes 38 environmental and natural resources laws. Embargoed notifications regarding the publication of the waiver will be sent to appropriate Congressional offices on July 31.

Litigation

-

(b) (5)

○

(b) (5)

FY17/FY18 Updates

- FY2017 Fence Replacement

○

(b) (5)

○

- FY 2018 New Construction

- The 15% design meeting was held on Tuesday, July 25 for the (b) (7)(E) project in RGV. The project is still on schedule for Ready to Advertise (RTA) in mid-October (b) (5)

Partnering & Outreach:

- Operation Unified Resolve is a multi-jurisdictional operation designed to ensure agencies execute integrated, flexible and coordinated measures to address protester threats and/or incidents in San Diego during the prototype construction of the border wall. On Thursday, July 27, BP held an executive update briefing with the San Diego and Chula Vista Police Departments, San Diego Sherriff, California Highway Patrol, San Diego County Fire, San Diego Fire & Rescue as well as county officials.

Public Affairs

-

(b) (5)

-

Congressional Affairs

-

(b) (5)

-

VR, (b) (6)

(b) (6)

Executive Assistant Commissioner
Enterprise Services
U.S. Customs and Border Protection
Office (b) (6)
Cell (b) (6)

From: [MCALEENAN, KEVIN K](#)
To: [S2ECD](#); [Wolf, Chad](#); [Fulghum, Chip](#); [Hamilton, Gene](#)
Cc: (b) (6)
Subject: FW: Border Wall Update (24-28 Jul)
Date: Sunday, July 30, 2017 8:37:28 PM
Attachments: [San Diego Waiver Fed Reg 20170728.pdf](#)

Madam Secretary,

A significant amount of detail on the wall progress below. We can provide to you and/or Acting Deputy Secretary Fulghum and staff on a weekly basis at your preference. Thank you,

KM

From: (b) (6)
Sent: Sunday, July 30, 2017 8:19:31 PM
To: MCALEENAN, KEVIN K; (b) (6)
Cc: (b) (6)
Subject: Border Wall Update (24-28 Jul)

Commissioner/Deputy:

Bottom Line: The waiver for the San Diego border wall prototype and 14 miles of replacement wall was signed by the Secretary on 26 July (see attached) and is expected to publish in the Federal Register on Tuesday, 1 Aug. CBP filed its agency response to the (b)(3) protest on 26 July.

Prototype Procurement:

Phase I:

- As a result of Procurement's internal compliance review, the four evaluated proposals that ranked low were sent unsuccessful offeror letters. Only one of these four vendors requested a debriefing. The fifth vendor that was evaluated and invited into Phase II confirmed their intent to participate. Their proposal is due no later than August 17, 2017.
- Notifications regarding the RFP protests were sent to appropriators on 26 Jul and to authorizers on 27 Jul.

Phase II:

- (b) (5)

Acquisition Planning:

- Solar RFI is drafted, has been cleared by OMB, and is awaiting final C1 approval for release. CBP Procurement and the DHS Procurement Innovation Lab are discussing (b) (5).

- The Army Corps continues to make progress in developing the Pre-qualified Bidder's List. Source selection began on time on Wednesday, July 12th and is now complete. USACE remains on track for mid-August availability.

Legal Concerns:

GAO Protests

- (b)(3) Protests: In a decision dated July 20, the GAO granted CBP's requests for summary dismissal of both of the protests filed by (b)(3). (b) (5)

- (b)(3) Protests: (b) (5)

(b)(3) has until Monday, August 7, to file its response to the Agency Report.

Waiver

- On July 26, the Secretary signed the San Diego waiver. DHS OGC submitted the waiver to the Federal Register on July 28. The Federal Register will post the waiver on its website on Tuesday, August 1 at 8:45 am and will publish the waiver in the hard copy publication on Wednesday, August 2. The waiver will be legally effective upon publication. The waiver includes 38 environmental and natural resources laws. Embargoed notifications regarding the publication of the waiver will be sent to appropriate Congressional offices on July 31.

Litigation

- FOIA Updates:

o

o

(b) (5)

FY17/FY18 Updates

- FY2017 Fence Replacement

o

o

(b) (5)

(b) (5)

- FY 2018 New Construction
 - o The 15% design meeting was held on Tuesday, July 25 for the (b) (7)(E) project in RGV. (b) (5)

Partnering & Outreach:

- Operation Unified Resolve is a multi-jurisdictional operation designed to ensure agencies execute integrated, flexible and coordinated measures to address protester threats and/or incidents in San Diego during the prototype construction of the border wall. On Thursday, July 27, BP held an executive update briefing with the San Diego and Chula Vista Police Departments, San Diego Sheriff, California Highway Patrol, San Diego County Fire, San Diego Fire & Rescue as well as county officials.

Public Affairs

- (b) (5)
- (b) (5)

Congressional Affairs

- (b) (5)
- (b) (5)

VR, (b) (6)

(b) (6)

Executive Assistant Commissioner
Enterprise Services
U.S. Customs and Border Protection
Office (b) (6)
Cell (b) (6)

From: [MCALEENAN, KEVIN K](#)
To: (b) (6)
Subject: RE: Wall Funding
Date: Friday, February 17, 2017 2:07:02 PM

Thank you! I didn't get that opportunity in the WW...

-----Original Message-----

From: (b) (6) EOP/OMB (b) (6) [@omb.eop.gov](mailto:(b) (6)@omb.eop.gov)
Sent: Friday, February 17, 2017 2:03 PM
To: MCALEENAN, KEVIN K (b) (6)
Subject: Fwd: Wall Funding

(b) (5) [REDACTED]

(b) (6)
Office of Management and Budget
(b) (6)

Begin forwarded message:

From: " (b) (6) EOP/OMB"
(b) (6) [@omb.eop.gov](mailto:(b) (6)@omb.eop.gov) (b) (6) [@omb.eop.gov](mailto:(b) (6)@omb.eop.gov)>>
Date: February 17, 2017 at 2:01:14 PM EST
To: "MCALEENAN, KEVIN K"
(b) (6) <[mailto:\(b\) \(6\)@omb.eop.gov](mailto:(b) (6)@omb.eop.gov)>
Cc: " (b) (6) EOP/OMB" (b) (6) [@omb.eop.gov](mailto:(b) (6)@omb.eop.gov) (b) (6) [@omb.eop.gov](mailto:(b) (6)@omb.eop.gov)>>,
(b) (6) EOP/OMB (b) (6) [@omb.eop.gov](mailto:(b) (6)@omb.eop.gov) (b) (6) [@omb.eop.gov](mailto:(b) (6)@omb.eop.gov)>>,
(b) (6)
(b) (6)

Subject: Re: Wall Funding

(b) (5) [REDACTED]

(b) (5) [REDACTED]

Thank you.

(b) (6)
Office of Management and Budget
(b) (6)

On Feb 17, 2017, at 8:36 AM, MCALEENAN, KEVIN K
<(b) (6) [@omb.eop.gov](mailto:(b) (6)@omb.eop.gov)> wrote:

10-4. Thanks

From: (b) (6)
To: (b) (6) .EOP/WHO; (b) (6) .EOP/WHO; (b) (6) .EOP/WHO;
MCALEENAN, KEVIN K
Cc: (b) (6) .EOP/WHO; (b) (6) .EOP/WHO
Subject: RE: Buy America Act Provisions for Border Wall
Date: Tuesday, August 22, 2017 11:06:18 AM

Thanks. Adding the Commissioner to this thread. We are really down to the wire now. Anything y'all can do to help advance this will be very much appreciated.

(b) (6)

Senior Counselor to the Secretary
U.S. Department of Homeland Security

From: (b) (6) . EOP/WHO
Sent: Monday, August 21, 2017 11:30:53 AM
To: (b) (6) (b) (6) EOP/WHO; (b) (6) EOP/WHO
Cc: (b) (6) . EOP/WHO; (b) (6) . EOP/WHO
Subject: RE: Buy America Act Provisions for Border Wall

I've asked USTR, and should hear back from them soon.

From: (b) (6)
Sent: Monday, August 21, 2017 11:27 AM
To: (b) (6) EOP/WHO (b) (6) @who.eop.gov; (b) (6)
EOP/WHO <(b) (6) @who.eop.gov> (b) (6) (b) (6)
EOP/WHO <(b) (6) @who.eop.gov>
Cc: (b) (6) EOP/WHO <(b) (6) @who.eop.gov>; (b) (6) EOP/WHO
(b) (6) @who.eop.gov>
Subject: RE: Buy America Act Provisions for Border Wall

And meant to add (b) (6)

(b) (6)

Senior Counselor to the Secretary
U.S. Department of Homeland Security

From: (b) (6)
Sent: Monday, August 21, 2017 11:04 AM
To: (b) (6) . EOP/WHO' (b) (6) @who.eop.gov; (b) (6)
EOP/WHO' (b) (6) @who.eop.gov; (b) (6)
Cc: (b) (6) EOP/WHO' (b) (6) @who.eop.gov; (b) (6) EOP/WHO'
<(b) (6) @who.eop.gov>
Subject: RE: Buy America Act Provisions for Border Wall

Good morning, everyone,

Any updates on the below? We're about two days away from a final deadline.

Thanks again,

(b) (6)

Senior Counselor to the Secretary
U.S. Department of Homeland Security

From (b) (6)

Sent: Friday, August 18, 2017 10:42 AM

To: (b) (6) . EOP/WHO' <(b) (6) @who.eop.gov>; (b) (6)

EOP/WHO <(b) (6) @who.eop.gov>

Cc: (b) (6) EOP/WHO' (b) (6) @who.eop.gov>; (b) (6) EOP/WHO'
<(b) (6) @who.eop.gov>

Subject: RE: Buy America Act Provisions for Border Wall

Hi y'all,

Our team is eager for some resolution here—we need a final answer by the 23rd. Please see below another summary that describes the situation:

- Construction of the Border Wall is a Presidential priority and time is of the essence
- To the maximum extent, we want walls to be constructed with American materials (concrete and steel)
- We are issuing requests for bids for the next segments of wall construction on or about August 31

- (b) (5)
-
-
-

• (b) (5)

Current status: (b) (5)

CBP, through its partners at USACE, is nearly ready to issue Requests for Proposals (RFP) for the four FY17 fence replacement projects, each of which is likely to exceed \$7.3 million in value. (b) (5)

Decision request: (b) (5)

Thanks!

(b) (6)

Senior Counselor to the Secretary
U.S. Department of Homeland Security

From: (b) (6)

Sent: Wednesday, August 16, 2017 1:24 PM

To: (b) (6). EOP/WHO' (b) (6) <[@who.eop.gov](mailto:(b)(6)@who.eop.gov)>

Cc: KEVIN K MCALEENAN (b) (6)

(b) (6) (b) (6)
(b) (6); (b) (6) EOP/WHO <(b) (6)@who.eop.gov>;
(b) (6) EOP/WHO' <(b) (6)@who.eop.gov>

Subject: FW: Buy America Act Provisions for Border Wall

Good afternoon, (b) (6)

Thanks for taking my call earlier. Below is the text of a message from CBP (Acting Commissioner McAleenan copied here) that captures the issue we discussed. We would like to arrange a call or meeting as soon as possible with you, Peter Navarro, and (b) (6) to bring an issue pertaining to the Buy American Act to resolution. Please note the highlighted

portions.

The Buy American issue was first broached at the inception of the border wall/prototypes acquisition planning process in late February. (b) (5)

[REDACTED]

In early March, we spoke with Peter Navarro as well as the Acting U.S. Trade Representative (USTR), Stephen Vaughn, and laid out the Government's options for reinstating the BAA for the border wall project. The three potential options discussed were as follows:

(1)

(2)

(3)

(b) (5)

As a result of our discussions with Mr. Navarro and Mr. Vaughn, our office (b) (5)

[REDACTED]

(b) (5)

[REDACTED]

As we understand it, USACE is putting the finishing touches on RFPs for El Paso vehicle fence replacement, San Diego primary fence replacement, El Paso primary fence replacement, and El Centro vehicle fence replacement. (b) (5)

[REDACTED]

(b) (5)

[Redacted]

(b) (5)

[Redacted]

Please let us know if you would like to discuss further, or if we can facilitate any discussion on this.

Thank you for your consideration,

(b) (6)

Senior Counselor to the Secretary
U.S. Department of Homeland Security

From: [Navarro, Peter K. EOP/WHO](#)
To: (b) (6) [EOP/WHO](#); (b) (6) [EOP/WHO](#)
Cc: (b) (6) [MCALEENAN, KEVIN K](#); (b) (6) [EOP/WHO](#); (b) (6) [EOP/WHO](#); (b) (6) [EOP/WHO](#); (b) (6) [EOP/WHO](#); (b) (6) [EOP/WHO](#)
Subject: Request for Emergency Meeting in Staff Sec's office tomorrow at 10 a.m. or 11 a.m. to resolve border wall issue
Date: Tuesday, August 22, 2017 12:14:51 PM
Attachments: (b) (5)
(b) (5)
[mcaleenan UPDATE.pdf](#)

(b) (6)

I spoke with (b) (6) about this and am attaching documents that relate to a deadline for inclusion of Buy American provision in border wall bids.

My office has been working a number of months now on this but we are at an impasse and a decision needs to be made forthwith.

I am requesting an emergency meeting tomorrow morning at StaffSec's office at 10 a.m. or 11 a.m. with representatives from CBP, USTR, DPC, OTMP, and WHLC.

Thanks for your consideration.

Peter Navarro

Attachments

(b) (5)

Various documents from CBP

From: [MCALEENAN, KEVIN K](#)
To: [Navarro, Peter K. EOP/WHO](#)
Subject: RE: Trade Enforcement update
Date: Tuesday, August 22, 2017 10:34:52 AM

As you requested, here are some highlights about the importance of a quick decision on the waiver

- Construction of the Border Wall is a Presidential priority and time is of the essence
- To the maximum extent, we want walls to be constructed with American materials (concrete and steel)
- We are issuing request for bids for the next segments of wall construction on or about August 31

(b) (5)

For your information, I have pasted a more detailed narrative from (b) (6) as additional detail and background:

Current status: The U.S. Trade Representative (USTR) has yet to act to reinstate the Buy American Act (BAA) for Government construction projects, such as the border wall, that exceed \$7.3 million in value. As such, the Trade Agreements Act (TAA) currently governs any Government procurement for construction services valued above that threshold.

CBP, through its partners at USACE, is nearly ready to issue Requests for Proposals (RFP) for the four FY17 fence replacement projects, each of which is likely to exceed \$7.3 million in value. (b) (5)

(b) (5)

Decision request: (b) (5)

(b) (5)

From: Navarro, Peter K. EOP/WHO
Sent: Tuesday, August 22, 2017 10:28:56 AM
To: MCALEENAN, KEVIN K
Subject: RE: Trade Enforcement update

Would love updated bullets. Will push this issue aggressively this week?

Was this issue ever brought to General Kelly's attention? Is he read in?

peter

From: MCALEENAN, KEVIN K [mailto:(b) (6)]
Sent: Tuesday, August 22, 2017 10:24 AM
To: Navarro, Peter K. EOP/WHO <(b) (6)>
Subject: RE: Trade Enforcement update

Thanks Peter. (b) (5)
We appreciate your ongoing support on that. Let me know if you need update bullets on where we stand.

From: Navarro, Peter K. EOP/WHO
Sent: Tuesday, August 22, 2017 8:39:34 AM
To: (b) (6)
Cc: MCALEENAN, KEVIN K
Subject: FW: Trade Enforcement update

USTR team,

See yellow below. Kevin and CBP have been great allies.

Peter

From: MCALEENAN, KEVIN K [mailto: (b) (6)]

Sent: Friday, August 18, 2017 4:17 PM

To: Navarro, Peter K. EOP/WHO < (b) (6)>

Cc: (b) (6)

Subject: Trade Enforcement update

Peter,

I want to take this opportunity to update you on the recent efforts undertaken by U.S. Customs and Border Protection (CBP) with respect to the application of the Trade Facilitation and Trade Enforcement Act of 2015 (TFTEA), specifically, the Enforce and Protect Act (EAPA) and the President's Executive Order on Trade Enforcement. EAPA outlined a process for the American industry to identify potential instances where goods have been imported into the United States through evasion of antidumping and countervailing duty orders. Working together with American industry on our initial cases has produced immediate results.

Specifically, the Thailand and Malaysian wire hanger investigations outlined in our recent press release, which you can access via the included link below, highlight how CBP is partnering with the sole American wire hanger manufacturer to protect American jobs from this transshipment evasion. Bloomberg and others have already picked up the good news.

This is not the only group of investigations we have underway, but it represents the first completed investigation and has led to the American manufacturer filing eight more allegations of transshipment evasion that we are investigating and have enacted interim measures upon. This partnership prevents the further evasion of over \$33 million in antidumping duties and will allow the American company to reinvest its resources to expand production in the United States.

I would like to highlight that it has been critical to our initial success to be able to (b) (7)(E) (b) (7)(E) of production or in these recent cases, lack of production capability. That said, TFTEA legislation was an authorization without explicit appropriation, unless the trade enforcement trust funds are considered available, and as a result, in order to continue such enforcement efforts, CBP continues to look for solutions to grow our investigative capability. (b) (5), (b) (7)(E)

(b) (5), (b) (7)(E) Thank you for your continued interest and support on this very important issue.

Thank you,

Kevin

>><https://www.cbp.gov/newsroom/national-media-release/us-customs-and-border-protection-exercises-authority-launches><<;

From: (b) (6)
To: [MCALEENAN, KEVIN K](#)
Subject: FW: Trade Enforcement update
Date: Tuesday, August 22, 2017 11:23:32 AM

Response to your date question.

V/R

(b) (6)

(b) (6)

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From: (b) (6)
Sent: Tuesday, August 22, 2017 11:19 AM
To: (b) (6)
Cc: (b) (6)
Subject: RE: Trade Enforcement update

(b) (5)

v/r,
(b) (6)

From: (b) (6)

Sent: Tuesday, August 22, 2017 11:10 AM

To: [REDACTED] (b) (6)

Cc: [REDACTED] (b) (6)

Subject: FW: Trade Enforcement update

AC,

Commissioner asked for your assessment on Mr. Navarro's question on waiting to the 25th for a decision?

He also asked for an update on the TAA/BAA waiver. Last I left the issue, I saw traffic from our team to (b) (6) at OMB. Any updates?

V/R

(b) (6)

(b) (6)

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From: Navarro, Peter K. EOP/WHO

Sent: Tuesday, August 22, 2017 10:53:13 AM

To: MCALEENAN, KEVIN K

Subject: RE: Trade Enforcement update

Moving paper on this. Can we have until Aug 25 to make a decision? Aug 23 is pushing the system...

From: MCALEENAN, KEVIN K [mailto:[REDACTED]] (b) (6)

Sent: Tuesday, August 22, 2017 10:47 AM

To: Navarro, Peter K. EOP/WHO <[REDACTED]> (b) (6)

Subject: RE: Trade Enforcement update

For General Kelly, it was more an update and issue identification, than a decision point at the time.

(b) (7)(E), (b) (5)

From: Navarro, Peter K. EOP/WHO

Sent: Tuesday, August 22, 2017 10:34:34 AM

To: MCALEENAN, KEVIN K

Subject: RE: Trade Enforcement update

Roger that. Did the General express any opinion or was it just a situational awareness discussion?
Just trying to get context before I push this.

From: MCALEENAN, KEVIN K [[mailto:](#) (b) (6)]

Sent: Tuesday, August 22, 2017 10:33 AM

To: Navarro, Peter K. EOP/WHO <(b) (6)>

Subject: RE: Trade Enforcement update

It was raised mid-Spring to Gen. Kelly, but was still in work. Now it's urgent. Will forward momentarily. Thanks again for your help.

From: Navarro, Peter K. EOP/WHO

Sent: Tuesday, August 22, 2017 10:28:56 AM

To: MCALEENAN, KEVIN K

Subject: RE: Trade Enforcement update

Would love updated bullets. Will push this issue aggressively this week?

Was this issue ever brought to General Kelly's attention? Is he read in?

peter

From: MCALEENAN, KEVIN K [[mailto:](#) (b) (6)]

Sent: Tuesday, August 22, 2017 10:24 AM

To: Navarro, Peter K. EOP/WHO <(b) (6)>

Subject: RE: Trade Enforcement update

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. We appreciate your ongoing support on that. Let me know if you need update bullets on where we stand.

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To: (b) (6)

Cc: MCALEENAN, KEVIN K

Subject: FW: Trade Enforcement update

USTR team,

See yellow below. Kevin and CBP have been great allies.

Peter

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Sent: Friday, August 18, 2017 4:17 PM

To: Navarro, Peter K. EOP/WHO < (b) (6)>

Cc: (b) (6)

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(b) (5), (b) (7)(E) Thank you for your continued interest and support on this very important issue.

Thank you,

Kevin

>>>><https://www.cbp.gov/newsroom/national-media-release/us-customs-and-border-protection-exercises-authority-launches><<<<;;

From: [MCALEENAN, KEVIN K](#)
To: (b) (6) [EOP/OMB](#)
Subject: RE: Request for Emergency Meeting in Staff Sec's office tomorrow at 10 a.m. or 11 a.m. to resolve border wall issue
Date: Tuesday, August 22, 2017 2:33:13 PM

I will be at COAC in San Diego, but (b) (6) and (b) (6) and (b) (6) should be there. Frankly, we just don't want anyone to be surprised. Our number one objective is to avoid having the schedule slip. Buy American issue is second, but we get the politics and want to go in eyes open with fingerprints from the relevant White House players.

Crazy week--was on the border yesterday in AZ, called back to D.C., to fly back down to AZ on Air Force One on the off chance we need to brief the President on the way to Yuma... Cool plane though!

Hope you are well.

From: (b) (6) [EOP/OMB](#)
Sent: Tuesday, August 22, 2017 2:27:56 PM
To: MCALEENAN, KEVIN K
Subject: RE: Request for Emergency Meeting in Staff Sec's office tomorrow at 10 a.m. or 11 a.m. to resolve border wall issue

Yep. As usual, we agree... See you or hear your voice tomorrow?

From: MCALEENAN, KEVIN K [mailto:(b) (6)]
Sent: Tuesday, August 22, 2017 2:27 PM
To: (b) (6) [EOP/OMB](#) (b) (6) @omb.eop.gov>
Subject: RE: Request for Emergency Meeting in Staff Sec's office tomorrow at 10 a.m. or 11 a.m. to resolve border wall issue

Great question. (b) (6) actually asked if he could share our concerns with OMB. My response was, haven't you been working this since March?

From: (b) (6) [EOP/OMB](#)
Sent: Tuesday, August 22, 2017 2:24:07 PM
To: MCALEENAN, KEVIN K
Subject: RE: Request for Emergency Meeting in Staff Sec's office tomorrow at 10 a.m. or 11 a.m. to resolve border wall issue

Yep. I'll be there.

Not sure why CBP left us out of this and then raised it as a fire on Friday night...

From: MCALEENAN, KEVIN K [mailto:(b) (6)]
Sent: Tuesday, August 22, 2017 2:22 PM

To: (b) (6) EOP/OMB (b) (6) @omb.eop.gov>

Subject: FW: Request for Emergency Meeting in Staff Sec's office tomorrow at 10 a.m. or 11 a.m. to resolve border wall issue

FYSA

From: (b) (6) EOP/WHO

Sent: Tuesday, August 22, 2017 1:39:18 PM

To: Navarro, Peter K. EOP/WHO; (b) (6) (b) (6) EOP/WHO

Cc: (b) (6) MCALEENAN, KEVIN K; (b) (6) EOP/WHO; (b) (6)

EOP/WHO;

(b) (6)

EOP/WHO;

(b) (6)

EOP/WHO;

(b) (6)

EOP/OMB

Subject: RE: Request for Emergency Meeting in Staff Sec's office tomorrow at 10 a.m. or 11 a.m. to resolve border wall issue

I am happy convene a meeting tomorrow, if doing so could help the group reach consensus. Please let (b) (6), copied here, know if you—or a proxy—can attend a meeting tomorrow on this topic in the Staff Secretary's office at either 10 or 11 am. We can set up a dial-in for those who may be traveling.

As I understand it, there are several issues that would need to be resolved on a quick time frame to move forward, some of which would likely require Presidential involvement. Therefore, if we can convene a meeting, I would propose to organize the discussion around these 6 questions:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

(b) (5)

Given possible budgetary implications of any decision, I've added OMB to this chain.

Thanks,

(b) (6)

From: Navarro, Peter K. EOP/WHO

Sent: Tuesday, August 22, 2017 12:14 PM

To: (b) (6) @who.eop.gov; (b) (6) EOP/WHO

(b) (6) @who.eop.gov; (b) (6) EOP/WHO <(b) (6) @who.eop.gov>

Cc: (b) (6); MCALEENAN, KEVIN K
(b) (6) (b) (6). EOP/WHO
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(b) (6). EOP/WHO (b) (6) @who.eop.gov>

Subject: Request for Emergency Meeting in Staff Sec's office tomorrow at 10 a.m. or 11 a.m. to resolve border wall issue

(b) (6)

I spoke with (b) (6) about this and am attaching documents that relate to a deadline for inclusion of Buy American provision in border wall bids.

My office has been working a number of months now on this but we are at an impasse and a decision needs to be made forthwith.

I am requesting an emergency meeting tomorrow morning at StaffSec's office at 10 a.m. or 11 a.m. with representatives from CBP, USTR, DPC, OTMP, and WHLC.

Thanks for your consideration.

Peter Navarro

Attachments

(b) (5)

Various documents from CBP

From: [MCALEENAN, KEVIN K](#)
To: (b) (6), (b) (7)(C)
Subject: FW: Request for Emergency Meeting in Staff Sec's office tomorrow at 10 a.m. or 11 a.m. to resolve border wall issue
Date: Tuesday, August 22, 2017 12:23:49 PM
Attachments: (b) (5)
(b) (5)
[mcaleenan UPDATE.pdf](#)

Need (b) (6) and (b) (6) or (b) (6) there.

From: Navarro, Peter K. EOP/WHO
Sent: Tuesday, August 22, 2017 12:14:14 PM
To: (b) (6) EOP/WHO; (b) (6) EOP/WHO
Cc: (b) (6) : MCALEENAN, KEVIN K; (b) (6) EOP/WHO; (b) (6) EOP/WHO; (b) (6) EOP/WHO
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Various documents from CBP

From: [MCALEENAN, KEVIN K](#)
To: (b) (6)
Subject: FW: Request for Emergency Meeting in Staff Sec's office tomorrow at 10 a.m. or 11 a.m. to resolve border wall issue
Date: Tuesday, August 22, 2017 12:37:39 PM
Attachments: (b) (5)
[mcaleenan UPDATE.pdf](#)

Can you forward Peter the letter we sent to USTR?

From: Navarro, Peter K. EOP/WHO
Sent: Tuesday, August 22, 2017 12:14:14 PM
To: Staff Secretary: (b) (6) EOP/WHO; (b) (6) R. EOP/WHO
Cc: (b) (6); MCALEENAN, KEVIN K; (b) (6) EOP/WHO; (b) (6) EOP/WHO; (b) (6) EOP/WHO
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Attachments

(b) (5)

Various documents from CBP

From: [MCALEENAN, KEVIN K](#)
To: [Navarro, Peter K. EOP/WHO](#)
Subject: RE: Trade Enforcement update
Date: Tuesday, August 22, 2017 10:35:04 AM

As you requested, here are some highlights about the importance of a quick decision on the waiver

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- We are issuing request for bids for the next segments of wall construction on or about August 31

(b) (5)

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(b) (5)

Decision request: (b) (5)

(b) (5)

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Cc: MCALEENAN, KEVIN K
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Cc: (b) (6)

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From: (b) (6) .EOP/OMB
To: [MCALEENAN, KEVIN K](#)
Subject: RE: Request for Emergency Meeting in Staff Sec's office tomorrow at 10 a.m. or 11 a.m. to resolve border wall issue
Date: Tuesday, August 22, 2017 2:34:58 PM

Exciting times! I figured you were down there.

Still need to catch up but I know things aren't slowing down...

From: MCALEENAN, KEVIN K [mailto:(b) (6)]
Sent: Tuesday, August 22, 2017 2:33 PM
To: (b) (6) EOP/OMB (b) (6) @omb.eop.gov>
Subject: RE: Request for Emergency Meeting in Staff Sec's office tomorrow at 10 a.m. or 11 a.m. to resolve border wall issue

I will be at COAC in San Diego, but (b) (6) and (b) (6) and (b) (6) should be there. Frankly, we just don't want anyone to be surprised. Our number one objective is to avoid having the schedule slip. Buy American issue is second, but we get the politics and want to go in eyes open with fingerprints from the relevant White House players.

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Sent: Tuesday, August 22, 2017 1:39:18 PM

To: Navarro, Peter K. EOP/WHO; (b) (6) EOP/WHO

Cc: (b) (6) MCALEENAN, KEVIN K; (b) (6) EOP/WHO; (b) (6)

(b) (6) EOP/WHO; (b) (6) EOP/WHO; (b) (6) EOP/WHO; (b) (6)

EOP/OMB

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Sent: Tuesday, August 22, 2017 12:14 PM

To: (b) (6) EOP/WHO
(b) (6) EOP/WHO (b) (6) @who.eop.gov>

Cc: (b) (6) MCALEENAN, KEVIN K
(b) (6) (b) (6) EOP/WHO
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Peter Navarro

Attachments

(b) (5)

Various documents from CBP

From: (b) (6)
To: [MCALEENAN, KEVIN K](#)
Subject: FW: Memorialization of Meeting on Border Wall
Date: Friday, September 01, 2017 9:10:01 PM
Attachments: (b) (5) [.docx](#)
(b) (5) [.docx](#)

(b) (6) reviewed for us. No issues.

V/R

(b) (6)

From: (b) (6)
Sent: Friday, September 01, 2017 1:18:38 AM
To: (b) (6)
Cc: (b) (6)
Subject: FW: Memorialization of Meeting on Border Wall

All - FYI. Please let me know if we have any concerns or issues.

(b) (6)

(b) (6)
Executive Assistant Commissioner
Office of Trade
1400 L St.
Washington, DC 20229

(b) (6) ph

From: Navarro, Peter K. EOP/WHO
Sent: Thursday, August 31, 2017 10:51:51 PM
To: (b) (6) EOP/WHO; (b) (6) EOP/WHO
Cc: (b) (6)
Subject: Memorialization of Meeting on Border Wall

Please see attached for the record.

Peter Navarro

From: (b) (6)
To: [MCALEENAN, KEVIN K](#)
Subject: FW: Memorialization of Meeting on Border Wall
Date: Friday, September 01, 2017 8:28:58 AM
Attachments: (b) (5)
(b) (5) [docx](#)
(b) (5) [.docx](#)

I have (b) (6) and (b) (6) reviewing.

V/R

(b) (6)

(b) (6)

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From: (b) (6)
Sent: Thursday, August 31, 2017 8:19 PM
To: (b) (6)
(b) (6)
Cc: (b) (6)
(b) (6)
Subject: FW: Memorialization of Meeting on Border Wall

All - FYI. Please let me know if we have any concerns or issues.

(b) (6)

(b) (6)
Executive Assistant Commissioner
Office of Trade
1400 L St.
Washington, DC 20229

(b) (6) ph

From: Navarro, Peter K. EOP/WHO
Sent: Thursday, August 31, 2017 10:51:51 PM
To: (b) (6) EOP/WHO; (b) (6) EOP/WHO
Cc: (b) (6)
Subject: Memorialization of Meeting on Border Wall

Please see attached for the record.

Peter Navarro